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# Security Council

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**Security Council Committee established pursuant to resolution 1540 (2004)**

## Note verbale dated 22 December 2004 from the Permanent Mission of Uruguay to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Uruguay to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004) and has the honour to refer to his note dated 17 December 2004.

Enclosed herewith is the report prepared by the Government of Uruguay, pursuant to paragraph 4 of resolution 1540 (2004), on cooperation measures provided for in its domestic law to prevent illicit trafficking in weapons of mass destruction (nuclear, chemical or biological weapons and their means of delivery).

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**Annex to the note verbale dated 22 December 2004 from the Permanent Mission of Uruguay to the United Nations addressed to the Chairman of the Committee**

[Original: Spanish]

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# Report submitted by the Eastern Republic of Uruguay pursuant to Security Council resolution 1540 (2004) on the non-proliferation of nuclear, chemical or biological weapons and their means of delivery

## I. Introduction

On 28 April 2004, the United Nations Security Council adopted resolution 1540 (2004) on measures to prevent the proliferation of chemical, biological and radiological weapons and their means of delivery.

This resolution, like the previous United Nations resolutions on terrorism, drug trafficking and illegal arms trafficking, helps to strengthen the international security framework by directing the efforts of States and Governments to prevent and combat these ills in a coordinated manner.

To the extent that such binding instruments of international organizations constitute international law, they expand and complement the existing regulatory framework at the national level. This framework, designed initially for regulatory purposes in peace time, is to some degree applicable to the measures provided for in resolution 1540 (2004), making it possible to reduce any existing legal gaps in that regard.

In Uruguay, the issue of weapons of mass destruction is seen from various perspectives:

- The first consideration relates to the commitment to pacifism that has historically characterized Uruguay, taking into account, in particular, respect for international law and international humanitarian law, which are closely related to the law of war and to the traditional thrust of its international policy in support of the peaceful settlement of disputes.
- In line with this doctrinal framework, no weapons of mass destruction (WMD), whether chemical, biological or nuclear, have been developed, produced or acquired by the country.
- Even before the emergence of the United Nations, taking into account the tremendous damage that weapons of mass destruction can inflict on combat forces and the general civilian population, and in compliance with the first treaties prohibiting the manufacture, use, development and stockpiling of such weapons, Uruguay charged the Ministry of Defence, through the Materiel and Weapons Service of the Army, with control of toxic gases used in combat, by adopting Act No. 10,415 of 13 February 1943 and its Regulatory Decree No. 2605 of 7 October 1943. Both laws prohibit the manufacture and use of those substances in Uruguay.

Security Council resolution 1540 (2004), together with Council resolutions 1267 (1999) and 1373 (2001) to which it refers, provides for the adoption by Member States of a number of measures which involve various State ministries and institutions in the implementation of controls aimed at the non-proliferation of nuclear, chemical or biological weapons.

The characteristics of such weapons of mass destruction and their precursors require coordinated efforts and the adoption of measures by the aforesaid bodies, along with the adaptation of national laws to allow for the implementation of the treaties in force.

The institutions which are in some sense competent to implement controls on weapons of mass destruction are listed below. Others may be added depending on the specific nature of the issue under consideration:

A. Interministerial Committee for the Prohibition of Chemical Weapons;

B. Ministry of Defence;

C. Ministry of the Interior;

D. Ministry of Foreign Affairs;

E. Ministry of Public Health;

F. Ministry of Agriculture and Fisheries;

G. Ministry of Industry, Energy and Mining;

H. Ministry of Economic and Financial Affairs;

I. Central Bank (Information and Financial Analysis Unit);

J. University of the Republic-Uruguay (Faculty of Chemistry).

A summary of the steps taken thus far within the ambits of the various national institutions, including the consolidation of existing norms at the national and international levels, is outlined below.

## II. Reports of competent institutions

### A. Interministerial Committee for the Prohibition of Chemical Weapons

The Interministerial Committee for the Prohibition of Chemical Weapons was created by Decree No. 16/998 of 22 January 1998. It acts as the National Authority and functions as a liaison between Uruguay and the Organization for the Prohibition of Chemical Weapons (OPCW) based in The Hague, pursuant to article VII of the Chemical Weapons Convention, to which Uruguay is a State party.

The Committee is composed of five representatives of the following institutions:

1. Ministry of Foreign Affairs;

2. Ministry of Defence;

3. Ministry of Economic and Financial Affairs;

4. Ministry of Industry, Energy and Mining;

5. Faculty of Chemistry and Pharmacy.

A representative of the private sector chemical industry was recently invited to participate in the Committee's meetings and activities.

The Committee's responsibilities include:

- Implementing the submission of the annual declarations provided for in the Convention;
- Recommending to the executive branch the measures needed to bring national laws into conformity with the requirements of the Convention;
- Cooperating in the inspections arranged by OPCW for compliance with the Convention;
- Promoting scientific and technical cooperation between OPCW and Uruguay as a State party, pursuant to article X of the Convention.

The Committee has complied with the obligation to submit annual declarations, and recently recommended to the executive branch a draft decree aimed at regulating the activities of enterprises working with chemical substances and precursors liable to be diverted into the manufacture of chemical weapons. That decree was promulgated on 9 September 2004.

The Committee is also elaborating a draft law aimed at bringing the Penal Code into conformity with the new classifications of offences arising from the use, manufacture, development, stockpiling, sale or trafficking of chemical weapons.

To that end, on 9 September 2004 it organized a seminar under the auspices of OPCW, with the participation of distinguished Uruguayan jurists and senior representatives of OPCW, including its Director-General. A summary of the matters dealt with at this seminar appears below.

**• Seminar on the Chemical Weapons Convention**

- As mentioned above, a workshop and seminar on article VII (National Implementation Measures) of the Chemical Weapons Convention (CWC) was held on 9 September 2004 at the head office of the Central Bank of Uruguay.
- The event took place in the presence of the Director-General of OPCW, Mr. Rogelio Pfirter; the Director of the Technical Secretariat, Ms. Magda Bauta Soles; the organization's Legal Counsel, Mr. Santiago Oñate Laborde; and national authorities. Also participating were representatives of the Ministry of Foreign Affairs; the National Authority; the judiciary; the Uruguayan Bar Association; the Customs Office; the Uruguayan chambers of industry and commerce; the Uruguayan chemical industry; the Materiel and Weapons Service of the Army; the State Intelligence Office; and academic circles.
- The discussions dealt with the content of a future law in the matter that would include new classifications of offences. Consideration was also given to the importance and scope of the Decree enacted by the executive branch on 9 September 2004, on "Rules for compliance with the obligations arising under the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction". Another topic of discussion was the study of the preliminary draft law on implementing the provisions of CWC.

**• Inspection conducted by OPCW in Uruguay**

From 26 to 28 October 2004 OPCW conducted an inspection of a Uruguayan chemical company.

This was the first inspection conducted in Uruguay pursuant to article VI, paragraph 6, and part IX of the CWC Verification Annex.

The inspection team was composed of three OPCW officials:

– Nariman Nourbakhsh (head of the team);

– Alejandro Schiliuk;

– Branko Smoljan.

The preliminary report on this inspection verified the information provided in the respective declarations submitted by the Uruguayan National Authority and highlighted the cooperation it provided to the inspection team.

## B. Ministry of Defence

The Ministry has designated a technical representative as a member of the Interministerial Committee. It also has the capacity to mobilize the armed forces to participate, in accordance with their level of competency, in combating illicit trafficking in weapons of mass destruction and their effects, as referred to in Security Council resolution 1540 (2004).

– **Army**

A chemical, biological, radiological and nuclear defence unit is being organized within the Army Corps of Engineers to carry out defence, protection and decontamination in the event of either terrorist acts using weapons of mass destruction or serious chemical accidents, where the normal systems for responding to such emergencies may be overwhelmed.

In addition to institutional efforts, the successful completion of this project will require international assistance and cooperation in equipping and training personnel, which is already being directed by OPCW through its International Cooperation and Assistance Division.

– **Navy**

The Naval Prefecture provides security in the port areas under its jurisdiction.

– **Air Force**

Airport security is provided by branches of the Air Force, which perform aeronautical police functions.

– **State Intelligence Office**

Responsible for gathering information and developing intelligence on illicit trafficking in weapons of mass destruction and maintaining contact with similar organizations in other countries with a view to effective information exchanges to combat this threat. Member of the Interministerial Committee formed in response to resolution 1540 (2004).

## C. Ministry of the Interior

– **National Police**

An arm of the judiciary and the highest law enforcement body; functions are carried out through its various branches.

– **National Migration Office**

Also responsible, under the authority of the Ministry of the Interior, for monitoring and recording the identity, entry, departure and residence of persons at the country's ingress/egress points. Exercises similar control over the unlawful entry of persons at unauthorized ingress points.

## D. Ministry of Foreign Affairs

Participates in the diplomatic negotiating bodies dealing with such matters; is a member of the Interministerial Committee, where it provides advice on compliance with the various binding international instruments.

## E. Ministry of Public Health

The Ministry of Public Health is the competent authority for the adoption of measures to monitor and carry out health policies, including control of the peaceful uses of micro-organisms and production of vaccines.

Basic Law No. 9,202 of 12 January 1934 provides that this Ministry shall exercise the following responsibilities in the area of health and hygiene:

- The adoption of any measures it deems necessary to maintain public health and their implementation by personnel under its orders, and the enactment of all regulations and provisions needed to that vital end;
- In the event of an epidemic or serious threats of an invasion of infectious and contagious diseases, the Ministry shall immediately adopt measures to keep the country safe or to mitigate the ravages of the infection. In such case, the executive branch shall order the security forces into action to ensure compliance with the measures decreed;
- Where necessary, it shall, through its technical offices, arrange for the isolation and detention of persons who by virtue of their health status could constitute a danger to the public;
- It shall implement food hygiene policies and look after and inspect the country's sanitation facilities and drinking water supply;
- The Ministry of Public Health shall always be consulted in connection with the conclusion of international treaties or agreements involving public health. Laws approving such treaties shall be endorsed by the Minister for Foreign Affairs and the Minister of Public Health;
- The Ministry shall also enact regulatory measures to determine the health status of persons seeking to enter the country, whether or not they are immigrants.

At the XVIth Meeting of Ministers of Health of MERCOSUR and Associated States, Agreement No. 05/04 established the Intergovernmental Commission on Risk Management and Vulnerability Reduction within the Southern Common Market (MERCOSUR), providing as follows:

- The Ministers of Public Health should ratify the priority nature of the issue and adopt the new concept of risk management;
- The new concept of integrated risk management was adopted for interventions in disaster situations;
- State party focal points were designated;
- It was recommended that the Commission should develop a common regional strategy, taking into account the quest for resources to ensure its sustainability;
- It was recommended that the Commission should utilize a multisectoral approach, especially in connection with natural and man-made (technological, chemical and biological) adverse events.

The XVIIth Meeting of Ministers of Health of MERCOSUR and Associated States, to be held in December 2004, will approve the basic strategic guidelines and timetable of activities of the Commission. These guidelines address inter-agency capacity-building in the health arena, exchanges of information, and coordination of actions at the regional level to cope with the impact of adverse events on member and associated States.

This intergovernmental initiative to coordinate mechanisms of prevention and response to public health threats is also a suitable mechanism which can be applied to the purposes provided for in binding international instruments on the prohibition of weapons of mass destruction.

## F. Ministry of Agriculture and Fisheries

The Ministry of Agriculture and Fisheries is the competent authority for the adoption of measures to monitor and carry out health policies at border crossings and control the peaceful uses of micro-organisms and production of animal and/or plant vaccines.

Certain regulations established for these controls are applicable to the purposes provided for in Security Council resolution 1540 (2004). For example:

- Act No. 16,082 of 18 October 1989, article 16, provides that the Ministry of Agriculture and Fisheries shall monitor the biosecurity of privately owned facilities producing foot-and-mouth vaccines in accordance with regulatory requirements. In the second phase of the control and eradication campaign, no individual may possess the foot-and-mouth virus;
- Decree No. 160 of 21 May 1997, article 8, prohibits the handling or possession of etiological agents of diseases not existing in the country, unless the laboratories have a biosecurity infrastructure that does not pose the risk of introducing exotic diseases. The Ministry's Department of Livestock Services shall grant the necessary authorizations to the laboratories;

– Act No. 17,292 (Second Emergency Act), article 64, is an amendment to the Penal Code which deals with violation of health regulations. It provides that anyone who violates regulations designed to prevent the introduction of epidemic or contagious diseases capable of harming human or animal health shall be sentenced to 3 to 34 months' imprisonment. It also provides that serious injury to the national economy resulting from such an act shall be an aggravating factor in the offence.

## G. Ministry of Industry, Energy and Mining

The role played by the Ministry relates to regulations and controls on the chemical industry sectors and those aspects of nuclear energy which are covered by Security Council resolution 1540 (2004). Especially significant in this regard is the work of the National Office of Nuclear Energy and Technology, details of whose report appear below:

### Report of the National Office of Nuclear Energy and Technology

Uruguay has no nuclear reactors of any kind, hence there is no possibility of diversion or theft of nuclear fuel for subsequent use in producing nuclear devices.

Radioactive waste produced in the country is the by-product of medical, industrial and commercial activities and is of no major significance.

Such waste measures a few cubic metres in volume and its management is supervised by the National Office, which is the country's nuclear authority. Radioactive waste is managed in accordance with the technical criteria of the International Atomic Energy Agency (IAEA).

In view of the possibility that such waste might be used for terrorist purposes, security measures have been made stricter and technical assistance projects have been conducted with IAEA to ensure that temporarily stored nuclear material is given physical and technological protection, consisting of adequate security barriers to prevent theft.

The National Office is also the agency responsible for regulating and supervising all activities conducted in the country using sources of ionizing radiation for peaceful purposes.

### Conventions, protocols and codes in the nuclear field

The following are among several international documents and national laws in force in Uruguay concerning the handling and safety of nuclear material:

**Protocol Additional to the Agreement between the Eastern Republic of Uruguay and the International Atomic Energy Agency for the Application of Safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons.** Adopted by Act No. 17,750, which entered into force on 30 April 2004.

On 2 April 2002 Uruguay was declared free of nuclear material by IAEA safeguards authorities who, on inspecting the Nuclear Research Centre, where a research reactor had been installed and subsequently dismantled, removed any remaining plutonium or enriched uranium (total fissionable uranium-235) and certified that Uruguay's inventory contained none of either element.

**Convention on the Physical Protection of Nuclear Material**. Adopted by Uruguay by Act No. 17,680 of 1 August 2003.

Uruguay acceded to the **IAEA Code of Conduct on the Safety and Security of Radioactive Sources** of 25 February 2004. The Code adds the materials not included in the Convention on the Physical Protection of Nuclear Material.

**Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency**. Uruguay acceded on 21 December 1989.

**Convention on Early Notification of a Nuclear Accident**. Uruguay acceded on 21 December 1989.

**Regional Cooperative Agreement for the Promotion of Nuclear Science and Technology in Latin America and the Caribbean**. Signed on 25 September 1989.

Act No. 15,809 of 21 April 1986 established the National Office of Nuclear Technology (now called the National Office of Nuclear Energy and Technology), whose tasks are to plan, coordinate and conduct activities to promote nuclear technology and regulations, inspections, licensing, authorizations and control of nuclear technology applications and the use of ionizing radiation.

Decree No. 519 of 21 November 1984 regulates the use and application of radioactive substances and ionizing radiation throughout the national territory.

The standards (UY 100 to 116) issued by the National Office of Nuclear Energy and Technology, which has ministerial rank, regulate the use of radioactive material and equipment that generates ionizing radiation.

**Executive action concerning nuclear materials**

In November 2003 an IAEA mission specializing in the illicit trafficking of radioactive material came to Uruguay to evaluate the technical and human resource capacity of various Uruguayan national agencies, such as the Customs Office, the Fire Department, the Naval Prefecture, and their capacity to detect radioactive and nuclear material at the country's various border crossings.

The visit took place in the context of approval by IAEA of a cooperation project that will provide Uruguay with technical support and high-technology detecting equipment.

In anticipation of these activities, which will be conducted in 2005, the National Office of Nuclear Energy and Technology has conducted a theoretical and practical training course for customs officials.

In May 2004, an IAEA mission on the physical security of radioactive materials and sources came to Uruguay to assist it in applying the "National Strategy for Regaining Control over Radioactive Sources: An Action Plan for Uruguay". The mission's purpose was to assess the physical security of sources and equipment in the country, focusing on their storage in the Nuclear Research Centre. The mission report expressed satisfaction with current security conditions and recommended action to be taken.

**Action planned**

An agreement between the National Office of Nuclear Energy and Technology and the Customs Office is pending approval. It includes prior certification by the nuclear regulating authority (National Office of Nuclear Energy and Technology) for the import-export and transit of radioactive materials through the country.

These controls are already in force in Uruguay, but once the agreement is signed the corresponding legal framework will have been established.

Likewise, training courses will continue to be provided for officials of the Naval Prefecture and the Customs Office.

## H. Ministry of Economic and Financial Affairs

The Ministry of Economic and Financial Affairs, through the Customs Office, has authority over border controls to detect and prevent the illicit trafficking of weapons of mass destruction and their precursors.

**Report of the Customs Office**

The Customs Office has been allocated powers under article 1 (b) and (c) of the Customs Code, Decree-Law No. 15,691, in particular with regard to the illicit trafficking of nuclear and radioactive material.

Security Council resolution 1540 (2004) urged States to adopt certain procedures and specific measures to combat threats to international peace and security.

Among the recommendations made, paragraph 3 of the resolution assigns the Customs Office the power to intervene in this area.

Under the agreement between the Customs Office and the National Office of Nuclear Energy and Technology, officials assigned to land border posts, Carrasco Airport and the Port of Montevideo will be provided with appropriate instruments for detecting radioactive materials.

**MERCOSUR legislation**

On 17 December 1994 MERCOSUR adopted a sectoral agreement on the transport of dangerous goods (Agreement on Facilitation of International Road Transportation of Dangerous Goods), registered as an agreement of partial scope within the framework of the 1980 Treaty of Montevideo and signed in Montevideo on 30 December 1994. The Agreement defines this type of material as belonging to class 7 and notes that the IAEA recommendations were taken into account in consultation with the United Nations.

Another MERCOSUR decision, MERCOSUR/CMC/Dec. 12/00, established a general plan for cooperation and coordination for national security in the area of the illicit trafficking of nuclear and/or radioactive material among the States parties of MERCOSUR, in order to unite efforts and coordinate specific action.

MERCOSUR/CMC/Dec. 3/01 established a programme of action to combat the above-mentioned illicit trafficking in the customs sphere; it is supplemented by

MERCOSUR/CMC/Dec. 1/97, which provides for an extensive range of assistance and cooperation activities among MERCOSUR customs administrations.

**Domestic customs regulations**

In Uruguay on 1 August 2003, the executive branch promulgated Act No. 17,680 approving the Convention on the Physical Protection of Nuclear Material, adopted in Vienna on 26 October 1979.

Article 4 of the Convention requires States to respect certain security conditions in conducting import, export and transit operations, including during transport. The Customs Office and the National Office of Nuclear Energy and Technology have adopted a supplementary agreement concerning measures to be arranged and technical training to be given to customs personnel.

The above-mentioned inter-agency agreement takes into account the IAEA Code of Conduct on the Safety and Security of Radioactive Sources, for which Uruguay expressed support on 25 February 2004 through its diplomatic mission in Austria.

### I. Central Bank (Information and Financial Analysis Unit)

The Central Bank has an Information and Financial Analysis Unit which is mandated to adopt measures to combat the financial activities of international terrorism. The controls stipulated in Security Council resolution 1540 (2004) may be included among these measures.

### J. University of the Republic-Uruguay (Faculty of Chemistry)

Basically a technical institution; represented on the Interministerial Committee for the Prohibition of Chemical Weapons.

## III. Existing legal framework

In keeping with its principles of opposing the proliferation of weapons of mass destruction, solving conflicts by peaceful means and combating terrorism in all its forms, Uruguay has signed and ratified most of the existing regional and international instruments with those aims.

In addition, Uruguay is making efforts to incorporate the provisions of international law in its national legislation. The following are the most important instruments in this regard:

- **Act No. 17,835 of 23 September 2004 classifying the laundering of assets derived from illicit trafficking in weapons, explosives, ammunition or materials for their production as an offence**

All natural and legal persons engaged in financial activities under the supervision of the Central Bank of Uruguay, remittance firms, casinos, real estate companies and other merchants are required to inform the Information and Financial

Analysis Unit of any transactions involving assets suspected of being derived from illicit activity, in order to prevent the offence of laundering of assets.

- **Protocol Additional to the Agreement between the Eastern Republic of Uruguay and the International Atomic Energy Agency for the Application of Safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons (NPT)**

  In force since 30 April 2004 (Act No. 17,753).

- **Convention on Nuclear Safety**

  In force since 2 December 2003 (Act No. 17,588).

- **Convention on the Physical Protection of Nuclear Material**

  In force since 8 February 1987.

  In force in Uruguay since 23 November 2003 (accession pursuant to Act No. 17,680).

- **Comprehensive Nuclear-Test-Ban Treaty**

  Approved by Act No. 17,348 of 13 June 2001.

  Exchange of instruments of ratification on 21 September 2001 (Act No. 17,348).

- **Vienna Convention on Civil Liability for Nuclear Damage and Optional Protocol concerning the Compulsory Settlement of Disputes (Act No. 17,051 of 14 December 1998)**

  In force since 13 July 1999 (Act No. 17,501).

  Exchange of instruments of ratification on 13 April 1999 (accession).

  Uruguay's accession to the Vienna Convention on Civil Liability for Nuclear Damage and the Optional Protocol concerning the Compulsory Settlement of Disputes was approved.

- **Act prohibiting the introduction of hazardous wastes**

  Act No. 17,220 of 30 October 1999 prohibits the introduction of hazardous wastes of any kind, in any form or under any regime, into areas under national jurisdiction (article 1).

- **Protocol to Amend the 1963 Vienna Convention on Civil Liability for Nuclear Damage and Convention on Supplementary Compensation for Nuclear Damage**

  Signed on 12 September 1997 (instrument of ratification).

- **MERCOSUR Agreement on transport of dangerous goods**

  By Decree No. 347 of 19 September 1995 the agreement of partial scope for the facilitation of transport of dangerous goods, concluded among the Governments

of Argentina, Brazil, Paraguay and Uruguay within the framework of the Treaty of Montevideo of 1980, was approved by means of a protocol dated 30 December 1994, annexed to the Decree.

- **Amendments to the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco)**

By Act No. 16,597 of 14 October 1994, the amendments to the Treaty of Tlatelolco were approved.

- **Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction**

In force since 29 April 1997 (Act No. 16,520).

Exchange of instruments of ratification on 6 October 1994.

- **Chemical Weapons Convention** [see above]

The Convention was approved on 12 July 1994 by Act No. 16,520.

- **Amendments to the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean which were adopted pursuant to resolutions 267 (E-V) and 268 (XII)**

Promulgated by the executive branch on 16 June 1993.

Approved by the legislature on 2 June 1993 (Act No. 16,384).

- **Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency**

Uruguay acceded on 21 December 1989.

- **Convention on Early Notification of a Nuclear Accident**

Uruguay acceded on 21 December 1989.

- **Regional cooperative Agreement for the Promotion of Nuclear Science and Technology in Latin America and the Caribbean**

Signed on 25 September 1989.

- **Prohibition against introducing hazardous waste**

An executive decree of 30 May 1989 prohibits the introduction of hazardous wastes of any kind, in any form or under any regime, into areas under national jurisdiction.

- **Establishment of the National Office of Nuclear Technology**

By Act No. 15,809 of 21 April 1986, articles 1 and 340, the National Office of Nuclear Technology was established, and will be in charge of carrying out the subprogramme on promotion of nuclear technology under Programme 012 on research on the use of atomic energy. Its responsibilities will be to plan, coordinate and carry out activities to promote nuclear technology, taking as a basis the general

guidelines set by national nuclear policy. In addition, it will promote research on the use of atomic energy, handling all activities related to regulation, licensing and control of nuclear technology applications and the use of ionizing radiation. It is charged with preparing and presenting an opinion on the regulatory standards that would ensure radiological protection and nuclear safety.

- **Regulations on operations and transport involving dangerous goods**

  This set of regulations was approved by Decree No. 158 of 25 April 1985.

- **Regulations on the use and applications of radioactive substances and ionizing radiation throughout Uruguay**

  These regulations were approved by Executive Decree No. 519 of 21 November 1984 for the purpose specified. The authority competent to apply and monitor them was the National Atomic Energy Commission, which was later renamed the National Office of Nuclear Technology by Decree No. 47 of 8 February 1989.

  Among other things, the Decree provides that the health and safety of individuals must be adequately protected, and to that end the production, sale, transport, possession and use of radioactive materials or equipment emitting ionizing radiation must be in conformity with the regulatory standards and safeguards established by the Decree and contained in the code of standards that make up the Radiological Protection System.

  The purpose of the Decree is to:

  – Avoid improper exposure of individuals to radiation;

  – Protect the environment;

  – Provide for the physical protection of nuclear facilities.

  The stockpiling, transport, deposit and possession of any kind of radioactive materials shall be subject to the procedures set forth in the pertinent regulations.

  The National Atomic Energy Commission shall coordinate with the Customs Office on how radioactive material may be imported so that it is handled rapidly and safely in keeping with the Commission's regulations.

- **Protocol amending the 31 January 1963 Convention Supplementary to the Convention on Third Party Liability in the Field of Nuclear Energy (Paris Convention) of 29 July 1960, as amended by the Additional Protocol of 28 January 1964**

  Signed by Uruguay on 16 November 1982.

- **Biological Weapons Convention**

  Approved by Act No. 15,101 of 24 December 1980.

- **Convention on the Privileges and Immunities of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean**

  Exchange of instruments of ratification on 5 December 1978 (Act No. 14,815).

- **Safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons**

The agreement between Uruguay and the International Atomic Energy Agency on the application of safeguards was approved by Decree-Law No. 14,541 of 20 July 1976.

- **Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction**

In force since 26 March 1975 (Act No. 15,101).

Exchange of instruments of ratification on 6 April 1981.

- **Agreement on the supply and leasing of enriched uranium and the transfer of equipment and special nuclear materials**

Promulgated by the executive branch on 23 September 1971 (Act No. 14,026).

- **Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil Thereof**

Signed at Washington on 7 December 1970.

Annex to General Assembly resolution 2660 (XXV) of 7 December 1970. Uruguay signed on 11 February 1971 (but has not yet ratified).

- **Treaty on the Non-Proliferation of Nuclear Weapons**

In force since 5 March 1970 (accession by Act No. 13,859).

- **Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water**

Signed at Moscow. Approved by Act No. 13,684 of 17 September 1968.

Exchange of instruments of ratification on 25 February 1969 (Act No. 13,684).

- **Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco)**

Promulgated by the executive branch on 1 July 1968.

Approved by the legislature on 26 June 1968.

Exchange of instruments of ratification on 20 August 1968 (Act No. 13,669).

- **Approval of the Statute of the International Atomic Energy Agency**

The Statute was approved by Act No. 13,098 of 18 October 1963.

- **Convention on Third Party Liability in the Field of Nuclear Energy (Paris Convention)**

Signed on 29 July 1960.

- **Convention Supplementary to the Convention on Third Party Liability in the Field of Nuclear Energy of 29 July 1960 (Paris Convention)**

  Signed on 31 January 1963.

- **Convention establishing the European Organization for Nuclear Research**

  In force since 29 September 1954.

- **Agreement on privileges and immunities between the Organization for the Prohibition of Chemical Weapons and States parties**

  Proposed text.

- **Agreement to amend article XV, paragraphs 4 and 5, of the Chemical Weapons Convention**

  Proposed text.

- **Decree on prohibition of chemical weapons**

On 9 September 2004 the executive branch approved Decree No. 322/04, which can be summarized as follows:

The purpose of the Decree is to comply with the obligations assumed under the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction of 13 January 1993. For that purpose, it establishes controls on toxic chemicals and their precursors and on the facilities and equipment used to produce them, with the aim of preventing them from being diverted into the manufacture of chemical weapons.

Its provisions are applicable to any natural or legal person engaged in the activities described in the Convention, relating to the development, production, stockpiling, acquisition, sale, transfer, import, export, transit, packaging, shipping, possession or ownership of the chemicals listed in schedules 1, 2 and 3 of the Convention and the discrete organic chemicals.

For the purposes of the Decree, the terms chemical weapons, discrete organic chemical, precursor, facility, equipment, purposes not prohibited, inspection, production, processing and consumption shall have the meanings that they have in the Convention.

The Interministerial Committee for the Prohibition of Chemical Weapons is the National Authority for purposes of the Convention and the body competent to exercise the oversight powers provided for in this Decree. The Committee coordinates its activities with other State agencies and institutions.

Another function of the Committee is to keep a register of the activities and persons covered by the Decree. The register will bring together information concerning such activities, as well as the investigative and security activities required by the Convention.

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**Security Council Committee established pursuant to resolutions 1540 (2004)**

## Note verbale dated 17 December 2004 from the Permanent Mission of Moldova to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Republic of Moldova to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004) and, with reference to the latter's note verbale dated 21 June 2004, has the honour to submit herewith the report of the Government of the Republic of Moldova on the implementation of Security Council resolution 1540 (2004) (see annex).

05-20207 (E) 030205

**Annex to the note verbale dated 17 December 2004 from the Permanent Mission of Moldova to the United Nations addressed to the Chairman of the Committee***

**National report of the Republic of Moldova on the implementation of Security Council resolution 1540 (2004)**

## Introduction

The Republic of Moldova does not produce, possess or develop weapons of mass destruction (WMD). The Moldovan authorities are strongly committed to contribute to the efforts undertaken by the international community in terms of non-proliferation of these types of weapons, through the consolidation of the legal framework and the enhancement of the control measures orientated to prevent the phenomenon of the proliferation.

During the elaboration of the Report, all national authorities involved in this process had an additional opportunity to assess the situation in their field of competence and to formulate new proposals aimed at improving it. The most considerable contributions have been brought by the Department of Standards and Metrology, the Department of Trade, the Department of Exceptional Situations, the Customs Department and the Department of Border Guards, which are responsible at the national level for the implementation of different aspects of the international conventions on WMD. This activity was coordinated by the Ministry of Foreign Affairs and included the examination of the fulfillment of country's commitments within the UN, IAEA, and OPCW, and pursuant to the Treaty on Non-proliferation of Nuclear Weapons, the Chemical Weapons Convention and other international arrangements to which the Republic of Moldova is a party.

This exercise proved to be useful and allowed to highlight reserves for a better implementation of the international and the national legal frameworks. It also constituted a good opportunity to consider the feasibility of accession to new relevant international arrangements and of adoption and/or amendment of the national laws and regulations. The inter-ministerial group in charge of the preparation of this Report made a series of proposals aimed to increase responsibility and efficiency in this field.

### I. Legal framework for the implementation of UNSC Resolution 1540 (2004)

#### a) *international instruments*

The Republic of Moldova has adhered to a range of international treaties and conventions concerning non-proliferation of WMD, including those within the AIEA (*Annex 1*).

* Additional documentation is referred to in the communication on file with the Secretariat and is available for consultation.

Furthermore, during the period of elaboration of this Report, on November 5th, 2004, the Parliament of the Republic of Moldova ratified the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction.

In order to fulfill the provisions of these important legal instruments, the Government of the Republic of Moldova has divided the responsibilities in this regard among the ministries and departments.

The adherence to the actual international legal framework is to be completed in the near future with ratification of the Comprehensive Test Ban Treaty (CTBT), signed by the Republic of Moldova on September 24th, 1997.

Although the Republic of Moldova is not part to the CTBT and until recently was not part to the BTWC, the existent national legislation and institutional framework allow the Moldovan authorities to ensure the necessary control of the circulation and use of nuclear/radioactive, chemical and biological materials.

***b) national legislation and regulations***

The main legislative and regulatory documents adopted by the Republic of Moldova are indicated in the attached list *(Annex 2)*, some of them being mentioned in the following compartments.

## II. Actions undertaken in the field of non-proliferation of WMD

According to the *Law on radioprotection and nuclear security* as well as the *Decision of the Government on the activities of the public institutions with responsibility of regulation in field of radioprotection and nuclear security*, the Department of Standards and Metrology is the main public body responsible for the regulation in the field of radioprotection and radiological security (nuclear).

The Department implemented a project for the consolidation of the sources of strong radiations from the vulnerable radiological objects (special objectives no. 5101 and 5102) with the assistance granted by the USA and the IAEA. The main purpose of the project was to equip a ground depot with modern systems of physical protection of the radioactive materials, where the radioactive wastes are to be stocked. Also, within this project the systems for physical protection used by the institutions that operate in their activity with radioactive sources were consolidated.

In accordance with the regulations of the IAEA (IAEA-TS-R-1) the Department of Standards and Metrology has elaborated and submitted to the relevant national institutions for approval the draft of the technical regulation "*basic norms for a safe transportation of the radioactive materials and for international shipment of the radioactive materials through the Republic of Moldova*".

In order to adjust the legislation in the field of radiological security (nuclear) according to the international standards, the draft of the Law concerning safe performing of the radiological (nuclear) activity has been elaborated, coordinated with relevant ministries and departments and sent for expertise to the IAEA.

Starting from the need of an efficient national control system of circulation of strategic materials, that gives an equal treatment to all economic agents in obtaining authorizations for export, re-export, import and transit operations, the creation of such a system was launched in 1999 with the US expert support. This process included:

- Elaboration and adoption of a legal framework (Annex 2);
- Establishment of a national body responsible for the co-ordination of control activities;
- Creation of a mechanism of co-operation among the institutions involved in the control process;
- Establishment of an efficient mechanism of the border control in order to counteract illicit transactions with strategic materials.

The permanent governmental body, which supervises the control activity, is the Interdepartmental Commission for the control of export, re-export, import and transit of strategic materials. The Commission, chaired by the Director of the Trade Department, includes high level officials (deputy ministers and deputy directors of department) from the Ministry of Economy, the Ministry of Defense, the Ministry of Foreign Affairs, the Ministry of Industry, the Information and Security Service and from the Customs Department. Depending on agenda, representatives from other governmental institutions are invited to the Commission's meetings.

The Trade Department is the National authority responsible for the enforcement of the state policy in the field of control of export, re-export, import and transit of strategic materials. The main functions and tasks of the Trade Department in this field are: regulation, authorization, control, representation, consultation and information. The Department is also responsible for the application and the implementation of the Convention on Prohibition of Chemical Weapons.

According to the data provided by the Interdepartmental Commission for control of export, re-export, import and transit of strategic materials and by the other governmental institutions involved in the control process, there have been identified no cases of illicit use, theft, loss or unauthorized transportation over the state border of materials which could be used for manufacturing of chemical, biological or nuclear weapons. The Customs Department, the Ministry of Interior and other legal bodies have never investigated and never discovered cases of import, export, re-export or unauthorized transit of such materials.

In the year 2000 the *Law on the control on export, re-export, import, ant transit of strategic materials* was adopted. It defines basic notions, fields of application, and principles of the control of export, re-export, import and transit of strategic materials. The Law also establishes the competences of the state institutions regarding the control as well as the categories of the strategic materials under the control.

With the adoption of the legislative framework necessary for the creation of the national control system of circulation of strategic materials, following new tasks and goals were set for the national competent authorities:

- *Launching a Program of cooperation among ministries and departments involved in this process* (aimed at familiarizing the employees from these public institutions with the national control system of circulation of strategic materials, the modalities to identify the products subject to control listed in the National Register, etc.);
- *Elaboration and implementation of a Program for co-operation with economic agents;*
- *Setting up an informational network* (an automated system of authorizations, a web site of the national control system, implementation of the Tracker System with the U.S. assistance)

In order to tackle the environment problems the National Network of Laboratory Observation and Control of contamination of the environment with radioactive and highly poisonous substances and microbial means (NNLOC) has been created, which includes 121 institutions (centers of preventive medicine, veterinary and agrochemical laboratories, meteorological services, and local ecological laboratories). The NNLOC activity is supervised and monitored by the Department of Exceptional Situations that also carries out the control of execution of the actions for radiological protection.

**III. Conclusions and obstacles to the full implementation**

The Republic of Moldova undertakes, both on national and international levels, measures aimed at consolidating the legal basis and improving its institutional framework for the non-proliferation of WMD.

In order to contribute to the international community's efforts on WMD, the Republic of Moldova enhances the cooperation not only in the frameworks of the United Nations, IAEA and OPCW, but also on the regional level, in the frameworks of the Stability Pact for South-Eastern Europe, SECI, GUUAM and other regional structures. In March 2003 the Moldovan Parliament ratified the Agreement among the Governments of the Republic of Moldova, Russian Federation, Bulgaria, and Ukraine on cooperation in transporting the nuclear materials from the Russian Federation to the Republic of Bulgaria through the territories of the Republic of Moldova and Ukraine.

Throughout the years 2002-2004 the integration into the European structures, including the European Union, became an absolute political priority for the Republic of Moldova. The Moldova-EU Action Plan elaborated in 2004 includes a separate chapter dealing with the cooperation in fight against terrorism, proliferation of WMD and illicit exports. In the process of European integration the Republic of Moldova is committed to implement gradually the EU standards in this field.

At the same time, the Republic of Moldova faces serious challenges in full implementation of the provisions of the Resolution 1540, particularly of its first and second paragraphs, which refer to the inadmissibility of cooperation with non-state subjects willing to elaborate, purchase, manufacture, posses, transport, transmit and to use nuclear, chemical or biological weapons and means for their transportation.

Since the independence of the Republic of Moldova (1991) till present, all measures undertaken by the Moldovan authorities and supported by the international community in order to settle the conflict in the eastern (transdniestrian) part of the country and to achieve the withdrawal of Russian troops from its territory have failed. The country's constitutional authorities do not have any information concerning the weapons possessed by the Russian troops and by the self-proclaimed separatist regime.

Also, the unsettled conflict does not allow the country's constitutional authorities to ensure the border and customs control over the transdniestrian segment of the Moldovan-Ukrainian border. Therefore, the provisions of the international treaties, the national laws and regulations concerning non-proliferation of WMD, as well as the respective control measures cannot be applied on the whole territory of the Republic of Moldova.

In order to identify a sustainable solution for the transdniestrian conflict, the Republic of Moldova requests the support of the international community to ensure the complete and early withdrawal of Russian troops from its territory, the establishment of an international monitoring at the Moldovan-Ukrainian border and the deployment of a stabilization operation which would be in line with the UN and OSCE standards in peacekeeping.

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# Security Council

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## Note verbale dated 30 December 2004 from the Permanent Mission of Brunei Darussalam to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Brunei Darussalam presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004) and has the honour to transmit herewith the report of Brunei Darussalam in accordance with paragraph 4 of Security Council resolution 1540 (2004) (see annex).

05-21592 (E) 250205

**Annex to the note verbale dated 30 December 2004 from the Permanent Mission of Brunei Darussalam to the United Nations addressed to the Chairman of the Committee**

**Brunei Darussalam national report on the implementation of Security Council resolution 1540 (2004)**

1) Brunei Darussalam is committed to the promotion of arms control and disarmament for the maintenance of regional and international peace and security. Towards this end, Brunei Darussalam has become a party to the following international treaties and agreements aimed at curbing the proliferation of Weapons of Mass Destruction (WMD):

   - **Treaty on the Non-Proliferation of Nuclear Weapons** (NPT) (in March 1985);
   - **Biological Weapons Convention** (BWC) (in January 1991); and
   - **Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction** (CWC) (in July 1997).

2) Brunei Darussalam is also a signatory member to the **Comprehensive Nuclear Test Ban Treaty** (CTBT) (in January 1997) and at this stage is considering to sign the **IAEA Additional Protocol** by 2005.

3) Brunei Darussalam supports Security Council Resolution 1540 (2004), which seeks to curb non-State actors from manufacturing, acquiring, possessing, developing, transporting, transferring or using nuclear, chemical and biological materials and weapons.

**National Legislations**

4) Brunei Darussalam has put in place various legislative measures, as follows:

   - The **Biological Weapons Act 1975** prohibits any person from developing, producing, stockpiling, acquiring or retaining any biological agent or toxin of a certain type contrary to peaceful purposes. The penalty of this offence is life imprisonment. The offence also applies to corporate entities.

   - The **Customs (Prohibition and Restriction on Imports and Exports) Order 1980**, listed radioactive materials as "restricted imports" under Schedule 2 and can only be imported through licensing granted by the Controller of Customs.

- The **Internal Security Act 1984 (Chapter 133)** has a provision to prohibit any non-state actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons for terrorist purposes.

- The **Poisons Act 1984** regulates the importation, possession, manufacturing, compounding, storage, transport and sale of poisons. A Poisons List under this Act, updated regularly, also includes chemical substances, which are used in pharmaceutical, manufacturing and agriculture industries.

- The **Arms and Explosives Act 2002** regulates the manufacture, use, sale, storage, transport, importation, exportation and possession of arms and explosives. The penalty for any of the offences under this Act shall not exceed imprisonment for a term of 15 years, a fine of BND $10,000 and 12 strokes of whipping.

- The **Anti-Terrorism (Financial and other Measures) Order 2002** prohibits financing for any terrorist acts. Penalty for this offence is imprisonment for a term not exceeding five years or a fine not exceeding BND$100,000 or both.

5) Brunei Darussalam is in the process of drafting a **Chemical Weapons Prohibition Order** to regulate the use of chemicals and prohibit any use or manufacture of chemical weapons. Under this Order, a **National Authority Advisory Body for Chemical Weapons Convention** will be established and which will be under the jurisdiction of the Ministry of Defence.

**National Enforcement**

6) The *law enforcement* agencies in Brunei Darussalam work jointly to curb terrorist and other criminal activities in the country. The Royal Brunei Armed Forces and the Royal Brunei Police Force oversee the land border and maritime security through systematic patrol operations. Anti-smuggling operations are led by the Department of Royal Customs and Excise in cooperation with other enforcement agencies. The movement of people across national borders is regulated and monitored by the Immigration and National Registration Department.

7) In relation to *import and export controls of Dangerous Goods (DG)*, Brunei Darussalam has fully implemented the International Maritime Organisation (IMO) International Maritime Dangerous Goods (IMDG) Code. In accordance with the IMDG Code, Dangerous Goods classified 1 to 9 must be declared on the DG Manifest Form. In addition to the Manifest Form, Dangerous Goods classified as 1, 2, 3 and 7, require further permit from the Ministry of Health, the Royal Brunei Police Force and the

Royal Customs and Excise Department before approval is granted by the Director of Ports.

8) Brunei Darussalam has also implemented the *IMO International Ships and Ports Security (ISPS) Code* in July 2004 to enhance security of ships and ports facilities.

**International Cooperation**

9) Brunei Darussalam has established cooperation with other States, bilaterally and regionally, through the following:

- Memorandum of Understanding on Combating Terrorism and Other Transnational Crimes with Pakistan (in May 2004).
- Extradition arrangements with Malaysia (in November 1984) and Singapore (in May 1984).
- Agreement on Information Exchange and Establishment of Communication Procedures with Cambodia, Indonesia, Malaysia, the Philippines and Thailand to combat terrorism and other transnational crimes (in October 2003).
- Mutual Legal Assistance Treaty with Cambodia, Indonesia, Laos, Malaysia, the Philippines, Singapore and Viet Nam (in November 2004).
- ASEAN – Australia Joint Declaration for Cooperation to Combat International Terrorism (in July 2004).
- ASEAN – EU Joint Declaration on Co-operation to Combat Terrorism (in January 2003).
- ASEAN – India Joint Declaration for Cooperation to Combat International Terrorism (in October 2003).
- ASEAN – Japan Joint Declaration for Cooperation to Combat International Terrorism (in November 2004).
- ASEAN – Russia Joint Declaration for Cooperation to Combat International Terrorism (in July 2004).
- ASEAN – USA Joint Declaration for Cooperation to Combat International Terrorism (in August 2002).

10) Brunei Darussalam, together with other ASEAN Member States, is a party to the **South East Asia Nuclear Weapons Free Zone Treaty**. This treaty prohibits the participants from developing, manufacturing, acquiring, possessing, stationing, transporting by any means, testing or using nuclear weapons in the participant's sovereign territory, continental shelves and Exclusive Economic Zone (EEZ).

11) Brunei Darussalam is also a member of the ASEAN Regional Forum (ARF), which promotes dialogue amongst Asia-Pacific countries on political and security cooperation to enhance peace and prosperity in the region. The ASEAN Regional

Forum Statement on Non-Proliferation was adopted at the ARF Ministerial Meeting in Jakarta in July 2004, which recognises that the proliferation of WMD and their means of delivery constitute a threat to international peace and security.

12) Brunei Darussalam participates in the Asia Pacific Economic Cooperation (APEC) Counter Terrorism Task Force (CTTF), whereby cooperation in combating terrorism particularly measures in ensuring that WMD will not fall into the hands of non-state actors.

13) As a member of the Asia Europe Meeting (ASEM), Brunei Darussalam reaffirmed its commitment to the non-proliferation of WMD at the ASEM Summit Meeting in Hanoi, Viet Nam in 2004.

14) Brunei Darussalam is also a member of other organisations that promote the universal adoption and full implementation of multilateral disarmament treaties and conventions, particularly on cooperation to prevent non-state actors from acquiring WMD and their means of delivery. Such organisations include the Commonwealth, the Organisation of Islamic Conferences (OIC) and the Non-Aligned Movement (NAM).